

REMARKS

Applicants respectfully request reconsideration of the application.

Claims 87-88 are rejected under 35 U.S.C. 112, first paragraph, for failing to comply with the written description requirement.

Claims 91 and 92 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. US 2003/0011684 to Narayanaswami et al. (the ‘684 publication).

Claims 85-88, and 93 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of the ‘684 publication and WO 97/43736 to Rhoads (“Rhoads”).

Written Description Rejection

The Examiner objects to the recitation of audio in claim 87. Audio embodiments are specifically referenced on pages 26-27 of the specification. In fact, page 27 specifically refers to an audio capture device, such as a digital audio recorder, for example. Therefore, this teaching in combination with the rest of the document clearly identifies to one of skill in the art that the inventor was in possession of the invention.

The Examiner objects to the use of the term “identifier number”. The specific phrase “identifier number” appears in the specification at page 13, line 19 and page 15, line 11. To avoid an unnecessarily narrow interpretation of the phrase “identifier number”, Applicant has amended the claim to recite an “identifier” which is a term used throughout the specification.

Rejections Under 102(e) as being anticipated by the ‘684 publication**Claim 91**

Claim 91 recites “a media signal recorder, a computer, and an interface for communicating between the recorder and the computer.” It also recites: a method comprising automatically steganographically encoding media signal data with digital watermark data in the computer upon transfer to the computer; wherein the computer is a separate device from the media signal recorder.

The Examiner contends that “camera electronics” 128 in the ‘684 publication correspond to a media signal recorder, and that CPU 102 corresponds to a computer. The Examiner also assumes that there is an interface for elements 128 and 102 to communicate, even though the ‘684 specification does not refer to one.

The camera electronic circuitry 128 is not a “media signal recorder” as claimed. In paragraph 34, the ‘684 publication states that the camera electronic circuitry controls and measures various parameters. It does not teach that the camera electronic circuitry 128 is a media signal recorder as claimed.

It is not accurate to conclude that the ‘684 publication teaches automatically steganographically encoding a media signal upon transfer from the camera electronic circuitry 128 to the CPU 102 because the camera electronic circuitry 128 does not record a media signal or transfer it to the CPU 102.

Moreover, the ‘684 publication does not disclose that the CPU 102 is separate device from a media signal recorder as claimed. In fact, there is no teaching that the digital camera 100 can record any media signal without the use of a processor (such as CPU 102) and/or memory. This is another reason supporting the position that element 128 is not a recorder, and that CPU 102 is not a separate device from the recorder as claimed.

Claim 92

The ‘684 publication does not teach all of the elements of claim 92 for the reasons stated for claim 91. In addition, claim 92 includes other elements not taught in the ‘684 publication. For example, claim 92 recites: “associating metadata in the recorder”. In the analysis of claim 91, the Examiner indicated that element 128 of the ‘684 publication corresponds to the recorder. The analysis of claim 92 is not consistent since it has not shown how “associating metadata” occurs in element 128. The reason this cannot be shown, again, is that element 128 is not a recorder as claimed. If the Office is going to take the position that the ‘684 publication teaches all of the elements of claim 92, it must provide an internally consistent basis for showing how each element of claim 92 and base claim 91 correspond to teachings of the ‘684 publication. This cannot be done because the ‘684 publication does not teach all of the elements of claim 92.

Rejections Under 103(a) as being Obvious in view of the '684 publication and Rhoads

Claim 85

While the Office has cited a potential reason for combining the teachings of Rhoads and the '684 reference, it has not shown that this motivation or suggestion to combine resides particularly in the references. For example, the '684 publication makes no reference to Rhoads, the Rhoads technique, or any such scheme to use references to associate a media signal with additional data. Moreover, the cited art does not teach the use of the claimed reference to associate the media signal with additional data that is captured by the system and read from the memory of the system after the media signal and additional data are transferred from the system as claimed.

Claims 86-88

Claims 86-88 are patentable over the cited references for the same reasons as claim 85.

Claim 93

The Office is requested to clarify its position that Rhoads teaches a database of usage control information as claimed by indicating the specific teachings in Rhoads that teach this aspect of the claim. If the Office cannot clarify this position with specific citations, the rejection should be withdrawn.

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Respectfully submitted,

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